

SEP 7 2006

**Record of Decision**  
**Addressing Right-of-Way Applications U 76985 and U 76986**  
**To Transport Spent Nuclear Fuel**  
**To the Reservation of the Skull Valley Band of Goshute Indians**

**The Decision**

This record of decision sets forth the decision of the Bureau of Land Management (BLM), U.S. Department of the Interior (the Department), to adopt the no-action alternative as set forth in a comprehensive Environmental Impact Statement (EIS) prepared by the Nuclear Regulatory Commission (NRC), entitled Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah (December 2001). Spent nuclear fuel (SNF), the focus of the EIS, is the primary by-product from a nuclear reactor. The BLM was a cooperating agency in the preparation of this EIS, as were the Bureau of Indian Affairs (BIA), U.S. Department of the Interior, and the U.S. Surface Transportation Board.

The effect of this decision is to reject applications U 76985 and U 76986 for right-of-way grants filed by Private Fuel Storage L.L.C. (PFS). The applications seek right-of-way grants under Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1761, to transport SNF across public lands managed by the BLM. As proposed, the fuel would be transported from an existing Union Pacific railroad site to the Reservation of the Skull Valley Band (Band) of Goshute Indians in Tooele County, Utah. The fuel would be stored in above-ground canisters on the Reservation, awaiting eventual disposal at a permanent repository in Yucca Mountain, Nevada. Storage would occur approximately 50 miles from Salt Lake City.

**Background**

PFS is a limited liability company owned by eight U.S. electric power generating companies. These companies are: Entergy Corporation; Southern California Edison Company; Genoa FuelTech, Inc.; Indiana-Michigan Company (American Electric Power); Florida Power and Light Company; GPU Nuclear Corporation; Xcel Energy Inc.; and Southern Nuclear Operating Company.

PFS filed an application, dated June 20, 1997, with the NRC for a license to receive, transfer, and store SNF from commercial nuclear power plants at a privately-owned independent spent fuel storage installation (ISFSI) on the Goshute Reservation. Shortly before, on May 20, 1997, PFS entered a proposed lease with the Band to use Reservation lands for this purpose. The Superintendent, BIA, Uintah and Ouray Agency, conditionally approved this proposed lease on May 23, 1997.